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Letter dated 28 March 2011 from the Permanent Representative of Morocco to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith a letter addressed to the Secretary-General by Mr. Taib Fassi Fihri, Minister for Foreign Affairs and Cooperation of the Kingdom of Morocco (see annex).

I should be grateful if you would have this letter circulated to the members of the Security Council and issued as a document of the Council.

(*Signed*) Mohammed **Loulichki**
Ambassador
Permanent Representative

11-28535 (E) 060411

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Annex to the letter dated 28 March 2011 from the Permanent Representative of Morocco to the United Nations addressed to the President of the Security Council

24 March 2011

Since the adoption by the Security Council of its resolution 1920 (2010), in April 2010, the Kingdom of Morocco has taken concrete and genuine measures to ensure the implementation of all its provisions.

Morocco has sincerely engaged in the four informal meetings that were held in Westchester, New York (November 2010, December 2010 and January 2011) and Malta (March 2011), and has widely participated in the promotion of propitious conditions allowing for a new promising dynamic.

Furthermore, following your Personal Envoy's suggestion to the parties, at the end of the third informal meeting (November 2010), that they adopt "innovative approaches" aimed at giving a new impetus to the process, Morocco submitted concrete and constructive ideas.

In this context, and despite the counterproductive attitude of the other parties, the efforts of your Personal Envoy have led to tangible achievements, with the adoption of an initial platform containing three issues related to strengthening the role of the Personal Envoy, natural resources and demining.

Likewise, this new dynamic contributed to achieving progress with regard to confidence-building measures during the meeting that was held in Geneva in February 2011. With the active participation of your Personal Envoy, this meeting enabled the strengthening of family visits by air and paved the way to the inauguration of family visits by land, in conformity with the requests made by the Security Council in its resolution 1920 (2010).

While this conclusive approach was under way, Algeria and Polisario continued in their attempt to derail the efforts undertaken by the United Nations as well as destabilize the current negotiation process under the pretext of human rights.

In my recent correspondence and particularly in my letters dated 10 and 25 January 2011, I did draw your attention to this trend and shared with you concrete proof of this strategy while presenting to you its dangerous consequences for the whole process.

Polisario's decision, in Malta, to withdraw the human rights issue from the topics under discussion, after it had initially proposed it during the previous informal meetings confirms its vicious hidden agenda and real objectives.

In spite of this unveiled strategy of obstruction, and in line with the provisions of Security Council resolution 1920 (2010), Morocco took bold and concrete measures aimed at reinforcing the national institutional and legal framework in charge of the promotion, the protection and the monitoring of human rights, particularly in the Sahara region.

These measures include the establishment of the National Human Rights Council, the reinvigoration and strengthening of the Ombudsman institution, as well as the setting up of an interministerial delegation in charge of human rights.

The establishment of the National Council, whose composition will be pluralistic and in conformity with relevant international standards, namely the Paris Principles, is aimed at strengthening the promotion and protection of human rights. With its early warning mechanism, the Council will be able to undertake investigations on the ground, visit detention centres and handle, on its own initiative, allegations of human rights violations.

The second measure concerns the transformation of the Ombudsman into a real "mediator institution". It will mediate between citizens or groups of citizens and administrations or any government agency, thereby ensuring that they abide by the rule of law and equity.

The two aforementioned structures have regional mechanisms, in the Sahara region, enabling them, on the one hand, to effectively promote and closely monitor human rights on the ground and, on the other hand, to fit perfectly within the framework of Morocco's Advanced Regionalization process.

Complementing these mechanisms, an interministerial delegation in charge of human rights has been set up to create greater synergies between government and human rights institutions as well as to promote and strengthen the human rights component in public policies.

These new institutional and legal measures meet all international criteria and standards in the field of human rights.

They will be, in the Sahara region, more open to a permanent and productive dialogue as well as an active and efficient interaction with international non-governmental organizations and the Human Rights Council's mechanisms. Through this fruitful partnership, these entities will not only be able to deal with allegations of human rights violations, but also to initiate, when necessary, the appropriate measures to stop these violations.

In this regard, Morocco, which has always been responsive to the visits requested by the Human Rights Council's special procedures and which has always reacted promptly and systematically to all communications related to allegations of human rights violations, is now further open to the 33 mechanisms of this United Nations body. In cases of allegations of human rights violations, these United Nations mechanisms can be activated and shall operate in conformity with Morocco's international obligations.

All these new, independent, credible and complementary measures are endowed with a strong regional mandate and a proven international dimension through proactive interaction with United Nations mechanisms. The human rights dimension of the dispute over the Sahara region is thus duly and fully covered by these new mechanisms.

In the context of major turmoil in the region, the Kingdom of Morocco is hopeful that the Security Council will foster the recent dynamic brought to the current negotiation process by your Personal Envoy, as well as emphasize the need to reinforce bilateral relations between Algeria and Morocco so as to allow for the emergence of a more stable, democratic and prosperous Maghreb.

We expect that you will take due account of these elements when preparing your report to the Security Council, in April.

(*Signed*) Taib **Fassi Fihri**